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10/798,795	03/11/2004	Kevin M. Kilbuck	400.212US01	5635
27073	7590	04/20/2006	EXAMINER	
LEFFERT JAY & POLGLAZE, P.A. P.O. BOX 581009 MINNEAPOLIS, MN 55458-1009			PATEL, HETUL B	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/798,795

Applicant(s)

KILBUCK ET AL.

Examiner

Hetul Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/14/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-99 are presented for examination.
2. The IDS filed on 07/14/2004 has been received and carefully considered.

### *Drawings*

3. The drawings are objected to because: The numbering of the drawing views is not in accordance with the 37 CFR 1.84(u)(1), which requires "FIG." instead of "Fig.".
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the external "ready/busy" pin and the status register must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 10 and 13 are objected to because of the following informalities:

In claim 10, it should be stated as "... at least one non-volatile memory of the non-volatile memory array of the non-volatile memory device is one of a NAND ..." instead of "... the non-volatile memory device is one of a NAND ..." since the non-volatile memory is one of the types listed in the claim, not the whole non-volatile memory device as claimed.

Similar modification is also required in claim 13.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the non-volatile memory" in line 1. There is insufficient antecedent basis for this limitation in the claim. It should be stated as either "one non-volatile memory of the non-volatile memory array" or "the non-volatile memory array".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 10-13, 17-22, 27-28, 34-35, 39-46, 52, 54-61, 67-68, 70-75, 79-80, 86-87 and 89-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Zitlaw et al. (USPN: 2004/0128425) hereinafter, Zitlaw

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Zitlaw teaches a non-volatile memory device (i.e. 150 in Fig. 1B) comprising:

- a non-volatile memory array (i.e. 158 and 160 in Fig. 1B);
- a buffer memory (i.e. 156 in Fig. 1B);
- a synchronous memory interface (i.e. 154 in Fig. 1B); and
- a controller (i.e. 152 in Fig. 1B) coupled to the non-volatile memory array, the buffer memory, and the synchronous memory interface, wherein the controller is adapted to interface to and manage the non-volatile memory array and buffer memory and to present the non-volatile memory device as a synchronous memory device through the synchronous memory interface (e.g. see Fig. 1B and paragraph [0036]).

As per claim 10, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the non-volatile memory device is a synchronous flash memory (i.e. 168 in Fig. 1B), i.e. one of a NAND architecture Flash, a NOR architecture Flash, EEPROM, Polymer Memory, Ferroelectric Random Access Memory (FeRAM), Ovionics Unified Memory (OUM), Magnetoresistive Random Access Memory (MRAM), Molecular Memory, and Carbon Nanotube Memory (e.g. see paragraph [0037] and Fig. 1B).

As per claim 11, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the synchronous interface is a SDRAM interface memory bus (i.e. 154 in Fig. 1B), i.e. one of a SDRAM interface, a DDR interface, a

DDR2 interface, GDDR interface, GDDR2 interface, and RDRAM interface (e.g. see paragraph [0036] and Fig. 1B).

As per claim 12, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the non-volatile memory is adapted to present as SDRAM or DDR-SDRAM (160 in Fig. 1B), i.e. one of a compatible read/write capable SDRAM device, a DDR device, a DDR2 device, a GDDR device, a GDDR2 device, and a RDRAM device (e.g. see paragraph [0036]).

As per claim 13, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the non-volatile memory device is a BIOS boot memory (i.e. the synchronous flash boot memory, 168 in Fig. 1B) (e.g. see paragraph [0037] and Fig. 1B).

As per claim 17, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the SDRAM (i.e. 160 in Fig. 1B) is coupled to the controller (e.g. see Fig. 1B).

As per claims 18 and 19, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the controller is adapted to selectively couple the DRAM memory array (using the chip select lines) to the synchronous memory interface; and selectively copy data from the non-volatile memory array and remap addresses of one or more DRAM memory array section to the synchronous memory interface to operate as "shadow" memory (e.g. see paragraph [0008]).

As per claims 20 and 21, Zitlaw teaches the claimed invention as described above and furthermore, Zitlaw teaches that the controller is adapted to operate the

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DRAM memory array (i.e. 160 in Fig. 1B) as (i) an extended read and/or write data buffer memory (i.e. 156 in Fig. 1B); and (ii) as "scratch pad" memory, i.e. the temporary or cache memory (e.g. see paragraph [0008] and Fig. 1B).

As per claims 22, 27, 45, 60, 75, 79, 94, 96 and 98-99, see arguments with respect to the rejection of claim 1. Claims 22, 27, 45, 60, 75, 79, 94, 96 and 98-99 are also rejected based on the same rationale as the rejection of claim 1.

As per claims 28, 46, 61, 80, 95 and 97, see arguments with respect to the rejection of claim 10. Claims 28, 46, 61, 80, 95 and 97 are also rejected based on the same rationale as the rejection of claim 10.

As per claims 34, 52, 67 and 86, see arguments with respect to the rejection of claim 11. Claims 34, 52, 67 and 86 are also rejected based on the same rationale as the rejection of claim 11.

As per claims 35, 44, 68 and 87, see arguments with respect to the rejection of claim 12. Claims 35, 44, 68 and 87 are also rejected based on the same rationale as the rejection of claim 12.

As per claim 54, see arguments with respect to the rejection of claim 13. Claim 54 is also rejected based on the same rationale as the rejection of claim 13.

As per claims 39-43, see arguments with respect to the rejection of claims 17-21. Claims 39-43 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.



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As per claims 55-59, see arguments with respect to the rejection of claims 17-21. Claims 55-59 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

As per claims 70-74, see arguments with respect to the rejection of claims 17-21. Claims 70-74 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

As per claims 89-93, see arguments with respect to the rejection of claims 17-21. Claims 89-93 are also rejected based on the same rationale as the rejection of claims 17-21, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4, 6-7, 23-26, 29-31, 47-49, 62, 65, 76, 78, 81 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of McCormack et al. (USPN: 5,781,201) hereinafter, McCormack.

As per claims 2-3 and 6, Zitlaw teaches the claimed invention as described above, but failed to teach the further limitation of buffering read and write data accesses to the non-volatile memory array in the buffer memory. McCormack, however, teaches about buffering both the read and write requests to the buffer memory (i.e. the video

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memory) allows the maximum bus utilization and minimizes the number of stalls in the system (e.g. see the Abstract). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to modify the memory device of Zitlaw as taught by McCormack so the overall performance of the memory device can be further improved.

As per claims 4 and 7, the combination Zitlaw and McCormack teaches the claimed invention as described above, but both of them failed to teach about buffering read data accesses in a least recently used manner and write data accesses in a write-through manner. However, it is well known and notorious old in the art that by buffering read data accesses in a least recently used manner and write data accesses in a write-through manner reduces the data latency and improves the overall performance of the memory device. The Examiner herein taking Official Notice on this subject matter.

As per claims 23, 29 and 47, see arguments with respect to the rejection of claim 2. Claims 23, 29 and 47 are also rejected based on the same rationale as the rejection of claim 2.

As per claims 24, 30, 48, 62, 76 and 81, see arguments with respect to the rejection of claim 3. Claims 24, 30, 48, 62, 76 and 81 are also rejected based on the same rationale as the rejection of claim 3.

As per claim 25, see arguments with respect to the rejection of claim 4. Claim 25 is also rejected based on the same rationale as the rejection of claim 4.

As per claims 26, 31, 49, 65, 78 and 84, see arguments with respect to the rejection of claim 6. Claims 26, 31, 49, 65, 78 and 84 are also rejected based on the same rationale as the rejection of claim 6.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of McCormack, further in view of Widdup (USPN: 6,651,148).

As per claim 5, the combination Zitlaw and McCormack teaches the claimed invention as described above. However, none of them teaches that the controller is adapted to buffer a current data block to the non-volatile memory array in the buffer memory while accessing a sequentially following data block from the non-volatile memory array. Widdup, on the other hand, teaches about buffering both the read and write data (blocks) in the (buffer) memory to achieve the maximum bandwidth of the high-speed controller (e.g. see Col. 4, line 65 –Col. 5, line 1). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Widdup in the memory device taught by the combination Zitlaw and McCormack so the maximum bandwidth of the high-speed controller can be achieved.

10. Claims 8, 32, 50, 63-64, 77 and 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of McCormack, further in view of Wallace et al. (USPN: 6,628,537) hereinafter, Wallace.

As per claim 8, the combination Zitlaw and McCormack teaches the claimed invention as described above. However, none of them teaches that the non-volatile memory device is adapted to indicate when the non-volatile memory device is busy by changing the status of one of an external "ready/busy" pin and a status register. Wallace, on the other hand, teaches that when the memory system is in process of executing a command and cannot receive another, a BUSY signal is written in the status register (i.e. 223 in Fig. 16) so the host computer wait until the current command/instruction is finish executing before sending the next one. Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Wallace in the memory device taught by the combination Zitlaw and McCormack so the possible data corruption is avoided.

As per claims 32, 50, 63-64, 77 and 82-83, see arguments with respect to the rejection of claim 8. Claims 32, 50, 63-64, 77 and 82-83 are also rejected based on the same rationale as the rejection of claim 8.

11. Claims 9, 33, 51, 66 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of Meyer (USPN: 4,065,862).

As per claim 9, the combination Zitlaw, McCormack and Wallace teaches the claimed invention as described above. However, none of them teaches that the non-volatile memory device is adapted to indicate when the buffer memory device is full by asserting one of an external "ready/busy" pin and a status register. Meyer, on the other hand, teaches about asserting BUFFER FULL signal from the status register (i.e. 56 in

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Fig. 2), which would stop additional data to be sent to the buffer. Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to implement the teachings of Wallace in the memory device taught by the combination Zitlaw, McCormack and Wallance so the possible data corruption is avoided by pausing the additional data transfer to the buffer memory while the buffer memory is full.

As per claims 33, 51, 66 and 85, see arguments with respect to the rejection of claim 9. Claims 33, 51, 66 and 85 are also rejected based on the same rationale as the rejection of claim 9.

12. Claims 14 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of Bartoli et al. (USPN: 6,442,068) hereinafter, Bartoli.

As per claim 14, Zitlaw teaches the claimed invention as described above, but failed to teach that the non-volatile memory is adapted to have a burst data access mode. However, Bartoli teaches that the non-volatile memory is adapted to have a burst data access mode (e.g. see Col. 2, lines 11-15). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to utilize the burst data access mode in the non-volatile memory as taught Bartoli in the memory device taught by Zitlaw. In doing so, (i) more data can be retrieved on each access; and (ii) it saves the bandwidth on the memory bus by sending less number of requests to the memory. Therefore, it is being advantageous.

As per claim 36, see arguments with respect to the rejection of claim 14. Claim 36 is also rejected based on the same rationale as the rejection of claim 14.

13. Claims 15-16, 37-38, 69 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zitlaw in view of the 'Background of the Invention' section of the current application, hereinafter, BOI.

As per claims 15 and 16, Zitlaw teaches the claimed invention as described above, but failed to teach that the controller is adapted to generate and evaluate ECC data. BOI, however, teaches that the controller of the flash memory generates the ECC code so the errors of the flash memory can be addressed by the OS/host/driver/firmware and/or the file system that the flash memory system formatted with (e.g. see paragraph [0005]). Accordingly, it would have been obvious to one of ordinary skilled in the art at the time of the current invention was made to generate and evaluate the ECC data by the controller as taught by BOI in the memory device taught by Zitlaw for the benefit(s) stated above. The further limitation of generating the ECC code in a hardware circuit is inherently present in the BOI because there has to be a hardware circuit present in order to generate the EC code.

As per claims 37, 69 and 88, see arguments with respect to the rejection of claim 15. Claims 37, 69 and 88 are also rejected based on the same rationale as the rejection of claim 15.

As per claim 38, see arguments with respect to the rejection of claim 16. Claim 38 is also rejected based on the same rationale as the rejection of claim 16.

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**Conclusion**

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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